

REMARKS

Claims 1-20 are currently pending in the application. No claims have been amended herein. Accordingly, following the entry of this paper, claims 1-20 will be pending in the application.

Claims 1, 3-9, 11-15, 17 and 19 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,091,835 to Smithies et al(hereinafter referred to as "Smithies"). Applicants respectfully traverse the rejection.

With respect to independent claim 1, the claim is directed to a method for electronically signing an electronic transcript, comprising: (a) performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; (b) concatenating data to the representation of the contents of the electronic transcript, said data identifying a user; (c) performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) obtaining a notary record from the digital notary service of the time stamping; (f) digitally signing the notary record; and (g) forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user.

Smithies does not teach all of the steps of claim 1 and thus does not anticipate claim 1. Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. Particularly, Smithies is directed to a "ceremony" of affirmation that verifies the identity of a user and verifies that the user actually understands that their electronic signature is a binding affirmation of the recitations of the ceremony and the document being signed. As described at column 14, lines 5-21, the integrity of the provisions or undertakings of a document, transaction or statement may be verified using a one-way hash operation. As

described in Smithies, a transcript generator module creates a one-way hash corresponding to the contents of the document, transaction or statement. This hash encoding may be compared to a hash encoding of a later copy of the document, transaction or statement to verify that the document, transaction or statement has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document, transaction or statement have not been modified.

Smithies contains no teaching of the method as claimed in claim 1. Specifically, Smithies contains no teaching of “performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; concatenating data to the representation of the contents of the electronic transcript, said data identifying a user; performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data,” as required by claim 1. The hash described by Smithies, at column 14 lines 11-13, is “a one-way hash corresponding to the contents of the document, transaction or statement.” This hash may then be verified at the time of authentication. Smithies contains no teaching of concatenating data, or of a second hash operation as required by the claim. The second hash operation referred to by the Examiner is a hash operation used to compare documents, and not a second hash operation on the data concatenated to the representation, as claimed.

Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of “providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining a notary record from the digital notary service of the time stamping; digitally signing the notary record; and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the electronic transcript and with the data identifying the user.” Accordingly, Applicants submit that Claim 1 is not anticipated by Smithies and is in condition for allowance. Furthermore, claims 3-6 depend (directly or indirectly) from claim 1. It is submitted that each of these dependent claims is also allowable for at least the same reasons as claim 1.

Independent claim 7 is directed to a computer program product comprising: a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user, the computer readable code comprising: (a) computer readable program code devices configured to cause the computer to effect the performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; (b) computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user; (c) computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping; (f) computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and (g) computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the electronic transcript and the data identifying the user.

Smithies does not teach the computer program product as claimed in claim 7. As discussed above, Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. A transcript generator module may create a one-way hash corresponding to the contents of the document, transaction or statement that may be compared to a hash encoding of any later copy of the document, transaction or statement to verify that the document, transaction or statement has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document have not been modified.

Smithies contains no teaching of “computer readable program code devices configured to cause the computer to effect the performing a first hash operation on the electronic transcript to generate a representation of the contents of the electronic transcript; computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user;” and “computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data,” as required by claim 7. Similarly as described above, the hash described by Smithies, at column 14 lines 11-13, is “a one-way hash corresponding to the contents of the document, transaction or statement.” This hash may then be verified at the time of authentication. Smithies contains no teaching of a second hash operation, or concatenating data as required by the claim. Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of “computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary service of the time stamping; computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the electronic transcript and the data identifying the user” as required by the claim. Accordingly, Applicants submit that Claim 7 is not anticipated by Smithies and is therefore in condition for allowance.

Independent claim 8 is directed to a computer data signal embodied in a transmission medium, comprising: (a) a code segment including instructions for performing a first hash operation on an electronic transcript to generate a representation of the contents of the electronic transcript; (b) a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user; (c) a code segment including instructions for performing a second hash operation on the data concatenated to the

representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; (f) a code segment including instructions for digitally signing the notary record; and (g) a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, the electronic transcript, and the data identifying the user.

Smithies does not teach the computer program product as claimed in claim 8. As discussed above, Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. A transcript generator module may create a one-way hash corresponding to the contents of the document, transaction or statement that may be compared to a hash encoding of any later copy of the document to verify that the document has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document have not been modified.

Smithies contains no teaching of “a code segment including instructions for performing a first hash operation on an electronic transcript to generate a representation of the contents of the electronic transcript; a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user” and “a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data,” as required by claim 8. Similarly as described above, the hash described by Smithies is one-way hash corresponding to the contents of the document that may then be verified at the time of authentication. Smithies contains no teaching of a second hash operation, or concatenating data as required by the claim.

Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of “a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; a code segment including instructions for

obtaining a notary record from the digital notary service of the time stamping; a code segment including instructions for digitally signing the notary record; and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, the electronic transcript, and the data identifying the user” as required by the claim. Accordingly, Applicants submit that Claim 8 is not anticipated by Smithies and is therefore in condition for allowance.

Independent claim 9 is directed to a method for electronically signing an electronic transcript, comprising: (a) performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript; (b) concatenating data to the representation of the contents of the electronic transcript, said data identifying a user; (c) performing a second hash operation on the data and the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) obtaining a notary record from the digital notary service of the time stamping; (f) digitally signing the notary record; and (g) forming an electronically signed electronic transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript.

Smithies does not teach the method as claimed in claim 9. As discussed above, Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. A transcript generator module may create a one-way hash corresponding to the contents of the document, transaction or statement that may be compared to a hash encoding of any later copy of the document to verify that the document has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document have not been modified.

Smithies contains no teaching of “performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript; concatenating data to the representation of the contents of the electronic transcript, said data identifying a user, and “performing a second hash operation on the data and the representation,

the second hash operation generating a representation of the contents of the electronic transcript and the data,” as required by claim 9. Similarly as described above, the hash described by Smithies is one-way hash corresponding to the contents of the document that may then be verified at the time of authentication. Smithies contains no teaching of a second hash operation, or concatenating data as required by the claim.

Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of “providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; obtaining a notary record from the digital notary service of the time stamping; digitally signing the notary record; and forming an electronically signed electronic transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript” Accordingly, Applicants submit that Claim 9 is not anticipated by Smithies and is therefore in condition for allowance. Furthermore, claims 11-15 depend (directly or indirectly) from claim 9. It is submitted that each of these dependent claims is also allowable for at least the same reasons as claim 9.

Independent claim 17 is directed to a computer program product comprising: a computer useable medium and computer readable code embodied on said computer useable medium for causing electronically signing an electronic transcript by a user, the computer readable code comprising: (a) computer readable program code devices configured to cause the computer to effect the performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript; (b) computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user; (c) computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) computer readable program code devices configured to cause the computer to effect the obtaining a notary record from the digital notary

service of the time stamping; (f) computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and (g) computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript.

Smithies does not teach the computer program product as claimed in claim 8. As discussed above, Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. A transcript generator module may create a one-way hash corresponding to the contents of the document, transaction or statement that may be compared to a hash encoding of any later copy of the document to verify that the document has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document have not been modified.

Smithies contains no teaching of “computer readable program code devices configured to cause the computer to effect the performing a first hash operation on a file containing the electronic transcript to generate a representation of the contents of the electronic transcript; computer readable program code devices configured to cause the computer to effect the concatenating data to the representation of the contents of the electronic transcript, said data identifying the user,” and “computer readable program code devices configured to cause the computer to effect the performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data,” as required by claim 17. Similarly as described above, the hash described by Smithies is one-way hash corresponding to the contents of the document that may then be verified at the time of authentication. Smithies contains no teaching of a second hash operation, or concatenating data as required by the claim.

Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of “computer readable program code devices configured to cause the computer to effect the providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; computer readable program code devices configured to cause the computer to effect the

obtaining a notary record from the digital notary service of the time stamping; computer readable program code devices configured to cause the computer to effect the digitally signing the notary record; and computer readable program code devices configured to cause the computer to effect the forming of an electronically signed transcript by bundling the digitally signed notary record with the data identifying the user and with the file containing the electronic transcript” as required by the claim. Accordingly, Applicants submit that Claim 17 is not anticipated by Smithies and is therefore in condition for allowance.

Independent claim 19 is directed to computer data signal embodied in a transmission medium, comprising: (a) a code segment including instructions for performing a first hash operation on a file containing an electronic transcript to generate a representation of the contents of the electronic transcript; (b) a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user; (c) a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data; (d) a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; (e) a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; (f) a code segment including instructions for digitally signing the notary record; and (g) a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, file containing the electronic transcript, and the data identifying the user.

Smithies does not teach the computer program product as claimed in claim 8. As discussed above, Smithies is directed to authentication of electronic signatures in computer-based recording or transcribing systems. A transcript generator module may create a one-way hash corresponding to the contents of the document, transaction or statement that may be compared to a hash encoding of any later copy of the document to verify that the document has not been modified since the time of affirmation. Smithies thus teaches performing a hash operation at the time of the affirmation, which is then compared with a hash operation performed when it is desired to verify that the contents of the document have not been modified.

Smithies contains no teaching of "a code segment including instructions for performing a first hash operation on a file containing an electronic transcript to generate a representation of the contents of the electronic transcript; a code segment including instructions for concatenating data to the representation of the contents of the electronic transcript, said data identifying the user; a code segment including instructions for performing a second hash operation on the data concatenated to the representation, the second hash operation generating a representation of the contents of the electronic transcript and the data," as required by claim 19. Similarly as described above, the hash described by Smithies is one-way hash corresponding to the contents of the document that may then be verified at the time of authentication. Smithies contains no teaching of a second hash operation, or concatenating data as required by the claim.

Furthermore, because Smithies contains no teaching of concatenating data or a second hash operation, Smithies also contains no teaching of "a code segment including instructions for providing for the recording and time stamping by a digital notary service of the representation of the contents of the electronic transcript and the data; a code segment including instructions for obtaining a notary record from the digital notary service of the time stamping; a code segment including instructions for digitally signing the notary record; and a code segment including instructions for forming an electronically signed electronic transcript including the digitally signed notary record, file containing the electronic transcript, and the data identifying the user," as required by the claim. Accordingly, Applicants submit that Claim 19 is not anticipated by Smithies and is therefore in condition for allowance.

Claims 2, 10, 16, 18 and 20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Smithies patent in view of U.S. Patent No. 6,336,188 to Blake-Wilson et al. (hereinafter referred to as "Blake-Wilson"). Applicants respectfully traverse the rejection.

Claim 2 depends from independent claim 1. Claims 10 and 16 depend from independent claim 9. Claim 18 depends from independent claim 17. Claim 20 depends from independent claim 19. Each of the independent claims has been previously discussed, and because Blake-Wilson does not cure the defects of Smithies, Applicants submit that dependent claims 2, 10, 16,


18, and 20 are each allowable for at least the same reasons as described with respect to the respective independent claims.

No claim related fees are believed to be due with this response. In the event any such fees are due, please debit Deposit Account 08-2623.

The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested.

Respectfully submitted,

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